



House of Representatives

General Assembly

File No. 178

February Session, 2018

House Bill No. 5227

House of Representatives, April 4, 2018

The Committee on Public Safety and Security reported through REP. VERRENGIA of the 20th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE INTIMIDATION ON ACCOUNT OF OCCUPATION AS A PUBLIC SAFETY EMPLOYEE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-181i of the 2018 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2018*):

4 For the purposes of sections 53a-181j to 53a-181l, inclusive, as
5 amended by this act:

6 (1) "Disability" means physical disability, mental disability or
7 intellectual disability;

8 (2) "Gender identity or expression" means a person's gender-related
9 identity, appearance or behavior, whether or not that gender-related
10 identity, appearance or behavior is different from that traditionally
11 associated with the person's assigned sex at birth;

12 (3) "Mental disability" means one or more mental disorders, as
13 defined in the most recent edition of the American Psychiatric
14 Association's "Diagnostic and Statistical Manual of Mental Disorders";

15 (4) "Intellectual disability" has the same meaning as provided in
16 section 1-1g; [and]

17 (5) "Physical disability" means any chronic physical handicap,
18 infirmity or impairment, whether congenital or resulting from bodily
19 injury, organic processes or changes or from illness, including, but not
20 limited to, blindness, epilepsy, deafness or being hard of hearing or
21 reliance on a wheelchair or other remedial appliance or device; and

22 (6) "Public safety employee" means a reasonably identifiable police
23 officer, as defined in section 7-294a, firefighter, as defined in section 7-
24 313g, emergency medical technician, as defined in section 19a-175, or
25 employee of the Department of Correction.

26 Sec. 2. Section 53a-181j of the 2018 supplement to the general
27 statutes is repealed and the following is substituted in lieu thereof
28 (*Effective October 1, 2018*):

29 (a) A person is guilty of intimidation based on bigotry or bias in the
30 first degree when such person maliciously, and with specific intent to
31 intimidate or harass another person because of the actual or perceived
32 race, religion, ethnicity, disability, sex, sexual orientation or gender
33 identity or expression of such other person or because of such other
34 person's duties as a public safety employee, causes physical injury to
35 such other person or to a third person.

36 (b) Intimidation based on bigotry or bias in the first degree is a class
37 C felony, for which three thousand dollars of the fine imposed may not
38 be remitted or reduced by the court unless the court states on the
39 record its reasons for remitting or reducing such fine.

40 Sec. 3. Section 53a-181k of the 2018 supplement to the general
41 statutes is repealed and the following is substituted in lieu thereof
42 (*Effective October 1, 2018*):

43 (a) A person is guilty of intimidation based on bigotry or bias in the
44 second degree when such person maliciously, and with specific intent
45 to intimidate or harass another person or group of persons because of
46 the actual or perceived race, religion, ethnicity, disability, sex, sexual
47 orientation or gender identity or expression of such other person or
48 group of persons or because of such other person's or persons' duties
49 as public safety employees, does any of the following: (1) Causes
50 physical contact with such other person or group of persons, (2)
51 damages, destroys or defaces any real or personal property of such
52 other person or group of persons, or (3) threatens, by word or act, to
53 do an act described in subdivision (1) or (2) of this subsection, if there
54 is reasonable cause to believe that an act described in subdivision (1) or
55 (2) of this subsection will occur.

56 (b) Intimidation based on bigotry or bias in the second degree is a
57 class D felony, for which one thousand dollars of the fine imposed may
58 not be remitted or reduced by the court unless the court states on the
59 record its reasons for remitting or reducing such fine.

60 Sec. 4. Section 53a-181l of the 2018 supplement to the general
61 statutes is repealed and the following is substituted in lieu thereof
62 (*Effective October 1, 2018*):

63 (a) A person is guilty of intimidation based on bigotry or bias in the
64 third degree when such person, with specific intent to intimidate or
65 harass another person or group of persons because of the actual or
66 perceived race, religion, ethnicity, disability, sex, sexual orientation or
67 gender identity or expression of such other person or persons or
68 because of such other person's or persons' duties as public safety
69 employees: (1) Damages, destroys or defaces any real or personal
70 property, or (2) threatens, by word or act, to do an act described in
71 subdivision (1) of this subsection or advocates or urges another person
72 to do an act described in subdivision (1) of this subsection, if there is
73 reasonable cause to believe that an act described in said subdivision
74 will occur.

75 (b) Intimidation based on bigotry or bias in the third degree is a

76 class E felony, for which one thousand dollars of the fine imposed may
77 not be remitted or reduced by the court unless the court states on the
78 record its reasons for remitting or reducing such fine.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2018</i>	53a-181i
Sec. 2	<i>October 1, 2018</i>	53a-181j
Sec. 3	<i>October 1, 2018</i>	53a-181k
Sec. 4	<i>October 1, 2018</i>	53a-181l

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the crime of intimidation based on bigotry or bias to include public safety employees and results in a potential cost for incarceration or probation.

To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year.

There are currently two inmates incarcerated under the existing statutes and 20 probationers. However expanding this crime to

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

include public safety employees may increase the number of chargers or convictions.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5227*****AN ACT CONCERNING THE INTIMIDATION ON ACCOUNT OF
OCCUPATION AS A PUBLIC SAFETY EMPLOYEE.*****SUMMARY**

This bill makes crimes committed with intent to intimidate or harass certain public safety employees because of their duties, crimes of intimidation based on bigotry or bias (otherwise commonly called hate crimes). The bigotry or bias crimes already apply to conduct based on a person's actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression. These crimes generally carry enhanced penalties.

Under the bill, a "public safety employee" is a reasonably identifiable police officer, firefighter, emergency medical technician (EMT), or Department of Correction (DOC) employee.

EFFECTIVE DATE: October 1, 2018

PUBLIC SAFETY EMPLOYEES

Under the bill, a "public safety employee" means a reasonably identifiable police officer, firefighter, EMT, or DOC employee.

Police officer means any sworn member of an organized local police department; an appointed constable who performs criminal law enforcement duties; special police officers appointed under law; and members of a law enforcement unit who perform police duties, including the State Police and tribal police (CGS § 7-294a).

Firefighter means any local fire marshal, deputy fire marshal, fire investigator, fire inspector, and uniformed municipal or state firefighter (CGS § 7-313g).

An EMT is someone certified to practice as an emergency medical technician by the Department of Public Health (CGS § 19a-175).

BIGOTRY AND BIAS CRIMES

The bill adds crimes committed with specific intent to intimidate or harass a public safety employee because of the employee's duties, to the three bigotry or bias crimes.

1. A person commits the 1st degree crime if he or she maliciously causes physical injury to the employee or a third person. This is a class C felony, punishable by up to 10 years in prison, a fine of up to \$10,000, or both, for which \$3,000 may not be remitted or reduced by the court unless it provides on the record its reasons.
2. A person commits the 2nd degree crime if he or she maliciously (a) makes physical contact with the victim; (b) damages, destroys, or defaces the victim's property; or (c) threatens to do either of these things and the victim has reasonable cause to believe he or she will carry out the threat. This crime also applies if the person intends to intimidate or harass a group of people. This is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both, for which \$1,000 may not be remitted or reduced by the court unless it provides on the record its reasons.
3. A person commits the 3rd degree crime if he or she (1) damages, destroys, or defaces any property or (2) threatens to do so or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur. This crime also applies if the person intends to intimidate or harass a group of people. This is a class E felony punishable by up to three years in prison, a fine of up to \$3,500, or both, for which \$1,000 may not be remitted or reduced by the court unless it provides on the record its reasons. Malice is not an element of this crime.

OTHER STATUTES AFFECTED

By adding these crimes to the bigotry or bias crimes, the bill also:

1. adds them to the training on bigotry and bias crimes that must be part of basic or review training programs conducted or administered by the State Police, Police Officer Standards and Training Council, or municipal police departments (CGS § 7-294n);
2. requires police to monitor, record, and classify these crimes and report the information to the State Police (CGS § 29-7m);
3. adds them to the charge of the Hate Crimes Advisory Committee established by the chief state's attorney which (a) coordinates federal, state, and local efforts to enforce bigotry and bias criminal laws and increase community awareness, reporting, and combating of these crimes and (b) makes recommendations on restitution for victims of these crimes (CGS § 51-279f);
4. allows a person injured by conduct that results from these crimes to bring a civil action for, among other things, triple damages for injuries (CGS § 52-571c);
5. brings them under the persistent offender statute, which requires the court to sentence a person convicted for a second time of certain bigotry or bias crimes to the next highest sentence class (CGS § 53a-40a);
6. allows a court to order offenders to participate in the hate crimes diversion program as a condition of accelerated rehabilitation (CGS § 54-56e); and
7. allows a court, as a condition of probation or conditional discharge, to require an offender to participate in an anti-bias crime education program (CGS § 53a-30).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 19 Nay 6 (03/16/2018)